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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,282	01/22/2002	Mark A. Felkey	WMA01001	7571
25537	7590	01/23/2009	EXAMINER	
VERIZON			THEIN, MARIA TERESA T	
PATENT MANAGEMENT GROUP			ART UNIT	PAPER NUMBER
1320 North Court House Road			3627	
9th Floor				
ARLINGTON, VA 22201-2909				
NOTIFICATION DATE	DELIVERY MODE			
01/23/2009	ELECTRONIC			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* MARK A. FELKEY, TYLER J. WEST, SUSAN O. DIEMER,  
MICHAEL E. MARCELLIN, DIANE L. SABATINI, ELAINE S. MASON,  
DAVID K. BRAVERMAN AND PATRICIA A. BOYER

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Application No. 10/051,282  
Technology Center 3600

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Mailed: January 22, 2009

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Before KRISTA ZELE *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator.*

**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

This application was electronically received by the Board of Patent Appeals and Interferences on December 12, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**APPEAL BRIEF, GROUNDS OF REJECTION**

A review of the file finds that the grounds of rejection of the claims as provided in the Appeal Brief filed March 22, 2008 under the heading "Grounds of rejection to be reviewed on appeal" is unclear and/or is not consistent with the grounds of rejection of claims of record. The grounds of rejection of the claims as provided in the Appeal Brief must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified.

A review of the last Office action, including any mailed Advisory Action(s) finds that claims 1-4, 7-26, and 35-36 are rejected under 35 U.S.C. § 103(a) whereas Appellant(s) have not indicated the grounds of rejection of these claims. Correction of the Grounds of rejection to be reviewed on appeal for all claims is required.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) to hold the Appeal Brief filed on March 22, 2008 defective;
- 2) notify Appellant to file a paper properly addressing the Grounds of rejection of all claims; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/MTV/ak

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